



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

October 12, 2021

BY ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Tony Tartt*, 20 Cr. 339 (LGS)

Dear Judge Schofield:

The Government writes on behalf of both parties to respectfully request an additional three weeks before advising the Court as to whether a *Fatico* hearing will be necessary in connection with the sentencing of defendant Tony Tartt. (See [Dkt. 47](#)). The disputed issue relates to whether or not the defendant's conduct in committing the shooting in this case constitutes attempted murder under the Sentencing Guidelines. The Government intends to submit the surveillance video of the shooting to the Court but not call any witnesses. The defense is still considering whether it will present any witness testimony (possibly including the defendant), which will dictate whether a full *Fatico* hearing is necessary. Unfortunately, defense counsel has encountered some recent difficulty in communicating with the defendant at the MDC and is now scheduled to begin a trial in this District next week. A brief extension will permit the defense to reach a final decision on how best to proceed. The parties therefore request that they be permitted to file a further update letter with the Court by November 4, 2021.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by:

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LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Application Granted. On or before **November 4, 2021**, the parties shall file a joint letter informing the Court as to whether they believe a *Fatico* hearing is necessary. The Clerk of the Court is directed to terminate the letter motion at docket number 48.

Dated: October 13, 2021
New York, New York